

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 2163 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

GUJARAT AGRICULTURAL UNIVERSITY

Versus

NAVANBEN WIFE OF RAYMALJI VASRAMJI THAKOR

Appearance:

MR JR NANAVATI with MR AR THAKER for Appellant

MR KF DALAL for Respondent No. 4

None present for other respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 28/08/98

ORAL JUDGEMENT

1. This appeal is directed against the award of the Motor Accident Claims Tribunal (Aux.) Banaskantha at Palanpur in M.A.C.P. No. 308/83 decided on 4-7-1985 under which the appellant was called upon to pay Rs.15,000/- to the claimants-respondents No.1 and 2 with interest at the rate of 6% p.a. from the date of application till the date of realisation with costs of the application as compensation under 'no fault

liability'. The victim has died due to the vehicular accident on which there is no dispute.

2. Learned counsel for the appellant contended that the awarding of Rs.15,000/- against the appellant is wholly arbitrary.

3. I find from the award that Rs.15,000/- has been awarded by the Tribunal under the head of 'no fault liability'. Section 92-A as inserted in the M.V. Act, 1939 lays down that the claimant shall be entitled for compensation under 'no fault liability' for the death of the victim i.e. Rs.15,000/- on the death of the victim in a vehicular accident. The finding of fact has been recorded by the Tribunal that the daughter of the claimants-respondents has died in an accident caused by Tractor No.GJV 6325, which tractor admittedly belonged to the appellant on which there is no dispute. The appellant has not filed any written statement in this case. The driver and the insurance company have been exonerated and rightly they have been exonerated as the accident was not found to be caused due to rash and negligent driving by the driver of the tractor. To award compensation under section 92A of the M.V. Act, 1939 for 'no fault liability' one thing to be considered is whether the offending vehicle caused the accident which has resulted in the death of the victim. I do not find any illegality in this finding of fact recorded by the Tribunal and as a result thereof the award which has been passed in this case deserves no interference by this Court.

4. In the result, this appeal fails and the same is dismissed.
